

## **REMARKS**

Claims 1, 5-7, 9, 13, 17-18, 20-22, 33-38, 40, 43-46 and 48 are pending in this application. Claims 2-4, 8, 10-12, 14-16, 19, 23-32, 39, 41-42 and 47 have been canceled.

### **Claim Rejections - 35 USC § 102**

Claims 1, 5, 6, 18, 31-33 and 41-43 stand rejected under 35 U.S.C. 102(e) as being anticipated by Terry, Jr. et al. (US Pat. No. 6,622,041).

### **Claim Rejections - 35 USC § 103**

Claims 7, 13, 20, 21 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Terry Jr. et al (US Pat. No. 6,622,041) in view of Pless et al. (US Pat. Appl. Pub. No. 20030144711).

Various other claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over a combination of Terry, Jr. et al. (US Pat. No. 6,622,041), Pless et al. (US Pat. Appl. Pub. No. 20030144711), Mann (US Pat. No. 6,275,737) and Geddes et al. (US Pat. No. 5,916,239)

Applicant traverses the rejection of claim 31 based on Terry, Jr. et al. (US Pat. No. 6,622,041). Applicant respectfully submits that upon a review of Terry Jr. et al. '041, the applicant simply did not find any disclosure or even a suggestion for "at least two predetermined/pre-packaged programs stored in memory of said pulse generator system". Applicant's disclosure provides several examples of predetermined/pre-packaged programs.

The rejection of independent claims is respectfully traversed because the independent claims are amended to include limitations not disclosed or even suggested in the cited references.

Applicant submits that independent claim 1, as amended, comprises the limitation,

"a combination implantable device comprising both a stimulus-receiver and a programmable implantable pulse generator (IPG), wherein said stimulus-receiver receives stimulus pulses and is capable of applying said stimulus pulses independently of said implantable pulse generator (IPG)"

Independent claims 13, 18 and 46 comprise the limitation  
providing at least two predetermined/pre-packaged programs stored in memory of said pulse generator system to control the output of said pulse generator system, wherein said predetermined/pre-packaged programs define a combination of programmable parameters;  
and,  
selectively choosing one predetermined/pre-packaged program to emit electrical pulses to said vagus nerve(s)

As this amendment nearly incorporates the limitations of a previously rejected dependent claim (#31), which has now been canceled, it does not raise any new issues requiring further search or consideration on the part of the Examiner.

Having predetermined/pre-packaged programs stored in memory and selectively choosing one predetermined/pre-packaged is advantageous, because typically there can be millions of combinations of programmable parameters. By

having "pre-packaged programs" stored in memory makes the task of programming extremely simple.

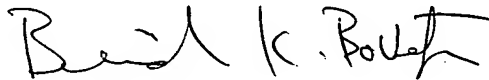
Applicant submits that the dependent claims should also be allowable because of their dependence on independent claims.

### **Conclusion**

In view of the claim amendments and forgoing remarks, it is respectfully submitted that the rejections have been overcome and the pending claims are in condition for allowance. An indication of allowability of pending claims is earnestly solicited.

Further, if the Examiner has any comments or suggestions which could place this application in even better form, or if the Examiner feels that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,



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